

Evaluation Team Report (ETR) and Reevaluation Guidance

In response to numerous questions regarding whether transfer evaluations that have lapsed and need to be completed again are considered re-evaluations or initial evaluations*:

Evaluations do not expire, but they may lapse. If the student has already been determined to be a student with a disability, that eligibility status remains. Therefore, the evaluations are considered re-evaluations, not initial evaluations.

The following OEC guidance applies to transfer ETRs:

Why an in-state transfer student's evaluation is a reevaluation, not an initial evaluation; when to revise and review an IEP; and ETR's and IEP's do not "expire" under Ohio Law

1. Initial Evaluation vs. Reevaluation

- **Initial Evaluation** -the *first time* a child is assessed to determine eligibility for special education and related services. (EMIS Date Type Element: IETR)
- **Reevaluation**-any subsequent evaluation *after eligibility* has already been established. (EMIS Date Type Element: RETR)

2. In-State v Out-of-State

- *In-State Transfer*
 - If the Student transfers from one Ohio Educational Agency to another and already had an ETR determining eligibility, that child is already considered a "child with a disability". The date the Educational Agency adopts the transfer ETR is the EMIS (Date Type Element) TETR date.
 - Receiving Educational Agency must provide comparable services to the existing IEP.
 - Educational Agency may adopt the prior IEP or conduct a reevaluation. If the Educational Agency conducts their own evaluation this is still called an RETR.
 - The RETR must be completed within 60 days in accordance with OAC 3301-51-06(D)(3).
- *Out-of-State Transfer*
 - Receiving Educational Agency must provide comparable services to the existing IEP.
 - Receiving Educational Agency must conduct an evaluation to determine eligibility under Ohio criteria.
 - *Because this student is being reevaluated under Ohio's standards, it is an initial evaluation. (EMIS Date Type Element: IETR)*
 - In other words: It is an initial evaluation unless the out-of-state evaluation meets [Ohio's strict guidelines](#)

3. Why it Matters

- The terminology matters. An ETR or IEP does not expire. A missed timeline is a procedural violation, but the student continues to be eligible and must receive all services until updated documentation is completed.
- The term is not about who is conducting the ETR-it is about the *student's status*.
- If the student already has an eligibility determination in Ohio; they don't start over.

- The reevaluation ensures the new Educational Agency reviews updated data, considers parent input, and confirms the student’s eligibility and what services are necessary.

4. Supporting Authority

[34 C.F.R. § 300.303](#) and [O.A.C. 3301-51-06](#)

The following OEC guidance applies to all ETRs:

When to revise and review an IEP; and ETR’s and IEP’s do not “expire” under Ohio Law

1. When an Educational Agency must reevaluate an ETR

a. [34 C.F.R. § 300.303](#) and [OAC 3301-51-06](#)

- *May not occur more than once a year, unless the parent and school agree*
- *At least every three years:* Even if the timeline shows they are due for their three year review, the new evaluation is not an “initial” one because eligibility has already been established.
- **Evaluations do not expire:**
 - An ETR does not “expire” but it does have a required reevaluation timeline.
 - Missing the required reevaluation timeline constitutes a procedural violation of FAPE.
 - However, failing to continue providing the services outlined in the student’s existing IEP constitutes a substantive violation of FAPE, as it directly impacts the student’s right to services.
 - The student continues to be eligible and must receive all IEP supports and services until the reevaluation is completed and a new determination is made.
- A reevaluation done after the timeline lapse is conducted to:
 - Review existing data.
 - Determine continued eligibility.
 - Adjust services as needed.

2. When an Educational Agency must review and revise an IEP

a. [34 CFR 300.324\(b\)](#) and [OAC 3301-51-07\(I\)\(2\)](#)

- *At least annually:* The IEP team must review the IEP at least once every 12 months to determine whether the annual goals are being achieved and to revise the IEP as needed.
- *When requested by Parent or Agency:* A parent or an Educational Agency can request a review of an IEP *at any time* if they believe changes are necessary.
- *When new information emerges:* The IEP must be revised if:
 - New evaluation data is available: *this includes a Functional Behavioral Assessment;*
 - The student is not making expected progress towards their annual goals;
 - The student’s needs change: behavioral, academic, functional, or physical needs; or
 - Other relevant information is provided by parents or other sources.

- *After a Reevaluation*
 - Following a reevaluation that has been conducted, the IEP team must review the updated data, confirm continued eligibility, and revise the IEP as needed to ensure the student continues to receive a FAPE.
- *To address lack of progress or anticipated needs:*
 - The child is not making expected progress; or
 - There are needs such as transitions, new services, or supports required.

3. IEP Effective dates

- If an IEP reached its effective “end” date, the Educational Agency remains obligated to fully implement all supports and services identified in the IEP until a new IEP is developed and in place.
 - An IEP technically does not “expire”, it may *lapse* if a new one is not finalized by the annual review date.
 - This lapse constitutes a procedural violation of FAPE, but failure to provide the services outlined in the existing IEP is a substantive violation of FAPE.
 - For guidance regarding EMIS reporting, please refer to the following resources:
- [EMIS Manual](#)
- [2.13 - Student Special Education \(GE\) Record](#)
 - 2.13 - Student Special Education (GE) Record